

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

ANTHONY R. DAVILA,

Petitioner,

vs.

Cr. No. 15-1515 RB/KK  
(Civ. No. 18-68 RB/KK)

UNITED STATES OF AMERICA,

Respondent.

**ORDER ADOPTING MAGISTRATE JUDGE'S  
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

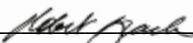
THIS MATTER is before the Court on the Proposed Findings and Recommended Disposition that United States Magistrate Judge Kirtan Khalsa filed in this matter on December 31, 2019. (Doc. 503.) The parties have not filed any objections, and the time for doing so has expired. The Tenth Circuit has held that “a party’s objections to the magistrate judge’s report and recommendation must be both timely and specific to preserve an issue for de novo review by the district court or for appellate review.” *U.S. v. One Parcel of Real Property*, 73 F.3d 1057, 1060 (10th Cir. 1996). The parties’ failure to timely object to the Magistrate Judge’s Proposed Findings and Recommended Disposition waives appellate review of both factual and legal questions. *In re Key Energy Res. Inc.*, 230 F.3d 1197, 1199–1200 (10th Cir. 2000); *One Parcel of Real Property*, 73 F.3d at 1059.

IT IS THEREFORE ORDERED as follows:

1. The Magistrate Judge’s Proposed Findings and Recommended Disposition (Doc. 503) are ADOPTED;
2. Petitioner’s Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Doc. 420) is DENIED; and,

3. Because Petitioner's Motion to Grant Relief of 28 U.S.C. § 2255 (Doc. 431) seeks the same relief as his Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Doc. 420) and includes no substantive argument in support of the motion, Petitioner's Motion to Grant Relief of 28 U.S.C. § 2255 (Doc. 431) is also DENIED.

IT IS SO ORDERED.

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ROBERT C. BRACK  
SENIOR U.S. DISTRICT JUDGE